REMARKS

This paper is submitted in response to the final Office action mailed on August 10, 2006. This paper amends claims 18-20. Accordingly, after entry of this Amendment and Response, claims 1, 9-10, 12 and 16-23 will be pending.

I. Claim Rejections Under 35 U.S.C. § 101

Claims 18-20 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Applicants have amended claims 18-20 to direct the claims to statutory subject matter. While the minor amendments do clarify the scope of the claims pursuant to 35 U.S.C. § 101, it is not believed that the amendments narrow or otherwise alter the inventive scope of the claims. Applicants believe claims 18-20 are in condition for allowance.

II. Claim Rejections Under 35 U.S.C. § 103

Claims 1, 9-10, 12 and 17-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,999,988 to Pelegri-Llopart et al. (hereafter "Pelegri") in view of U.S. Patent No. 6,321,275 to McQuistan et al. (hereafter "McQuistan"). A prima facie case of obviousness requires that "the prior art reference (or references when combined) must teach or suggest all the claim limitations." *See* MPEP § 2143, *See also* In Re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). For the reasons recited below, it is respectfully submitted that the combination of Pelegri and McQuistan does not make any of the above listed claims obvious.

A. Independent claims 1, 18 and 21 are patentable over Pelegri in view of McQuistan

Claims 1, 18 and 21 are independent claims from which all other pending claims depend. In regard to claim 1, page 9 of the Office action states that the limitations of "generating an adapter/stub representation that can be configured as an adapter or stub for the virtual machine during runtime" and "determining during runtime whether to configure the adapter/stub representation as an adapter or as a stub for the virtual machine" are disclosed at column 6, lines 47-67 and column 7, line 40 – column 8, line 50 of McQuistan. Applicants respectfully disagree that these limitations of claim 1 are disclosed by McQuistan. Claims 18 and 21 include nearly the same limitations and are rejected on the same grounds as claim 1. Accordingly, our initial arguments will focus on the independent claims.

1. McQuistan fails to disclose generating an adapter/stub representation that can be configured as an adapter or stub for the virtual machine during runtime

Applicants submit that McQuistan does not disclose the operation of "generating an adapter/stub representation that can be configured as an adapter or stub for the virtual machine during runtime" as recited by claim 1. McQuistan merely discloses a caller invoking a client stub by calling the client stub, and then the client stub invoking an interpreter. McQuistan further discloses that since different processors use different conventions for passing arguments, that the client stub will invoke the interpreter by passing a message that indicates the data type convention specific to the processor. *See McQuistan*, column 7, lines 41-60. Stated differently, McQuistan discloses the traditional execution of platform and processor independent programs, which only involves a stub. Applicants are unable to find any recitation of an adapter in McQuistan. Since McQuistan is completely silent as to an adapter, it would be impossible for McQuistan to disclose "generating an adapter/stub representation that can be configured as an adapter" as recited by claim 1. (emphasis provided). Thus, for at least these reasons, claim 1 is patentable under 35 U.S.C. § 103 over Pelegri in combination with McQuistan.

2. McQuistan fails to disclose determining during runtime whether to configure the adapter/stub representation as an adapter or as a stub for the virtual machine

Applicants submit that McQuistan does not disclose the operation of "determining during runtime whether to configure the adapter/stub representation as an adapter or as a stub for the virtual machine" as recited by claim 1. Applicants are unable to find any recitation of an adapter in McQuistan. Therfore, for the same reason recited above, it would be impossible for McQuistan to disclose "determining during runtime whether to configure the adapter/stub representation as an adapter or as a stub" as recited by claim 1. (emphasis provided). Thus, for at least this additional reason, claim 1 is patentable under 35 U.S.C. § 103 over Pelegri in combination with McQuistan.

3. Claims 18 and 21 are non-obvious

As set forth above, independent claims 18 and 21 are also rejected under 35 U.S.C. § 103 as being unpatentable over Pelegri in combination with McQuistan. Claims 18 and 21 substantially include the same limitation of claim 1, namely, "generating an adapter/stub representation that can be configured as an adapter or stub for the virtual machine during runtime" and "determining during runtime whether to configure the adapter/stub representation as an adapter or as a stub for the virtual machine." For at least the same reasons recited above with respect to claim 1, not all limitations of the claims are taught by the combination of Pelegri and McQuistan. For at least these reasons, claims 18 and 21 are patentable under 35 U.S.C. § 103 over Pelegri in combination with McQuistan.

B. Dependent claims are non-obvious

Dependent claims 9-10, 12, 17, 19-2- and 22-23 depend upon and contain all the limitations of independent claims 1, 18 and 21, respectively. Therefore, for at least the reasons mentioned above, the combination of Pelegri and McQuistan fails to disclose each and every limitation of claims 9-10, 12, 17, 19-2- and 22-23. As such, claims 9-10, 12, 17, 19-2- and 22-23 are patentable under 35 U.S.C. § 103 over Pelegri in combination with McQuistan.

III. Conclusion

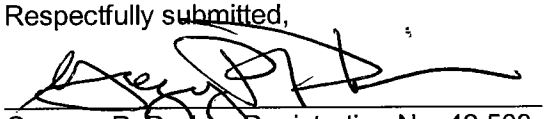
This Amendment is submitted contemporaneously with a petition for a two-month extension of time in accordance with 37 CFR § 1.136(a) and a Request for Continued Examination. Accordingly, please charge Deposit Account No. 04-1415 in the amount of $1,240.00 ($450.00 for two-month extension of time fee and $790.00 for Request for Continued Examination fee). The Applicant believes no further fees or petitions are required. However, if any such petitions or fees are necessary, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 accordingly.

The Applicant thanks the Examiner for his thorough review of the application. The Applicant respectfully submits the present application, as amended, is in condition for allowance and respectfully requests the issuance of a Notice of Allowability as soon as practicable.

If the Examiner should require any additional information or amendment, please contact the undersigned attorney.

Dated: 9 JAN 2007

Respectfully submitted,



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